



General Assembly

Substitute Bill No. 365

January Session, 2011

* _____SB00365AGEHS_021511_____*

AN ACT CONCERNING INVESTIGATIONS BY PROTECTIVE SERVICES FOR THE ELDERLY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 17b-452 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (a) (1) Subject to subdivision (2) of this subsection, the [The]
5 commissioner, upon receiving a report that an elderly person allegedly
6 is being, or has been, abused, neglected, exploited or abandoned, or is
7 in need of protective services, shall investigate the report to determine
8 the situation relative to the condition of the elderly person and what
9 action and services, if any, are required. The investigation shall include
10 [(1)] (A) a visit to the named elderly person, [(2)] (B) consultation with
11 those individuals having knowledge of the facts of the particular case,
12 and [(3)] (C) an interview with the elderly person alone unless the
13 elderly person refuses to consent to such interview or the
14 commissioner determines that such interview is not in the best
15 interests of the elderly person. If the commissioner determines that a
16 caretaker is interfering with the commissioner's ability to conduct an
17 interview alone with the elderly person, the commissioner may bring
18 an action in the Superior Court or Probate Court seeking an order
19 enjoining such caretaker from interfering with the commissioner's

20 ability to conduct an interview alone with the elderly person. In
 21 investigating a report under this subsection, the commissioner may
 22 subpoena witnesses, take testimony under oath and compel the
 23 production of any necessary and relevant documents necessary to
 24 investigate the allegations of abuse, neglect or abandonment. The
 25 commissioner may request the Attorney General to petition the
 26 Superior Court for such order as may be appropriate to enforce the
 27 provisions of this section. Upon completion of the investigation,
 28 written findings shall be prepared which shall include recommended
 29 action and a determination of whether protective services are needed.
 30 The person filing the report shall be notified of the findings, upon
 31 request.

32 (2) If the commissioner receives a subsequent report alleging abuse,
 33 neglect, exploitation or abandonment of or the need of protective
 34 services for, an elderly person who was the subject of an investigation
 35 under subdivision (1) of this subsection within six months preceding
 36 the making of the subsequent report and such investigation resulted in
 37 a determination that protective services were not needed, the
 38 commissioner shall not be required to investigate the subsequent
 39 report unless the person making the subsequent report (A) is required
 40 to report under the provisions of subsection (a) of section 17b-451, or
 41 (B) proves by a preponderance of the evidence that the elderly person
 42 (i) is being, or has been, abused, neglected, exploited or abandoned, or
 43 is in need of protective services, or (ii) has experienced a change in
 44 caretaker, living conditions or health since such investigation.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2011	17b-452(a)
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AGE *Joint Favorable Subst. C/R*

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